IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.1425 OF 2006

Dr.Harish Manilal Pathak ...Petitioner.
Versus
The Municipal Corporation of
Greater Mumbai & 4 Ors. ...Respondents.

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Mr.S.Naphade, Sr.counsel with Mr.Girish Kulkarni, Advocates i/b. Anilkumar Joshi, for the Petitioner.
Mr.P.M.Palshikar with Mrs.P.A.Purandhare, Advocate for Respondent Nos.1 to 4.
Mr.N.V.Bandiwadekar, Advocate for Respondent No.5.

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CORAM : **F.I.REBELLO AND**
**SMT.V.K.TAHILRAMANI,JJ.**

DATED : **AUGUST 11, 2006.**

P.C.:

1. Rule. Heard forthwith.

2. We have heard learned Counsel for the parties. We have examined the records of DPC and found that Respondent No.5 meets with the requirement for selection as set out in para 8 of the petition. Considering that, in our opinion it is not possible to interfere with the selection of

Respondent No.5.

3. The petitioner however contends that when the petitioner was selected to the post of Associate Professor his grading were excellent. It is only after the Respondent No.4 i.e. present incumbent, has assumed office, the gradings have been given as "B" which would not be correct gradings. The petitioner has made representations, but, those representations have not been disposed of till date. On behalf of the Respondent this is denied.

4. Considering the above, in our opinion, the representation made by the petitioner be considered by the revising authority who is Joint Municipal Commissioner. The Joint Municipal Commissioner after considering the representations, to communicate the same to the petitioner. If the Joint Municipal Commissioner revise the grading given by Respondent No.4 and if the petitioner falls in the grading as required in

para-3(b)(a), then a review committee be constituted to consider the case of the petitioner for promotion to the post of Professor. Needless to state that it is always open to the petitioner, if advised, on rejection of his representation by the Joint Municipal Commissioner to seek appropriate remedy to which he is entitled to. It will be open to the petitioner to raise all contentions which are raised in the Petition and any other grounds which he may have. Writ Petition disposed of accordingly.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]